IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 9341 of 2004(K)

PETITIONERS:

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1. ROSE MARY, D/O. DANIEL, AGED 66 YEARS
   KARANGATH VEEDU, NALLANOOR, KADALMADE P.O.,
   THOMATTUCHAL VILLAGE, SULTHAN'S BATHERRY TALUK,
   WAYANAD DISTRICT.

2. P.V.JOSEPH, S/O. P.M.VARKEY,
   AGED 60 YEARS PARAYARU MALAYIL VEEDU,
   IYYAMPARA, NATHENKUNI P.O., THOMATTUCHAL VILLAGE,
   SSULTHAN'S BATHERRY TALUK, WAYANAD DISTRICT.

3. K.C.SIVAN,
   S/O. CHELLAPPAN, AGED 51 YEARS, KARAYIL VEEDU,
   IYYAMPARA, NATHENKUNI P.O., THOMATTUCHAL VILLAGE,
   SULTHAN'S BATHERRY TALUK, WAYANAD DISTRICT.

4. P.SUBRAMANIAN, S/O. RAMASWAMY,
   AGED 62 YEARS SURESH NIVAS, NALLANNUR,
   KADALMADU P.O., THOMATTUCHAL VILLAGE,
   SULTHAN'S BATHERRY TALUK, WAYANAD DISTRICT.

BY ADV. SRI.PHILIP MATHEW
SRI.G.G.MANOJ
SRI.JAICE JACOB

RESPONDENTS:

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1. TAHSILDAR (REVENUE RECOVERY),
   AMBALAVAYAL P.O., SULTHAN'S BATHERRY TALUK,
   WAYANAD DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
   DISTRICT COLLECTOR, KALPETTA.

3. KERALA STATE ELECTRICITY BOARD
   REPRESENTED BY ITS SECRETARY, VAIDYUDHI BHAVAN,
   PATTOM, THIRUVANANTHAPURAM.

4. DEPUTY CHIEF ENGINEER,
   ELECTRICAL CIRCLE, KERALA STATE ELECTRICITY BOARD,
   KALPETTA, WAYANAD DISTRICT.

BY ADV. SRI.K.S.ANIL, SC, KSEB
SRI. ASOK M.CHERIYAN, SC, KSEB
GOVERNMENT PLEADER SRI. .V.T.K. MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.9341 OF 2004.

APPENDIX

EXT.P1: TRUE COPY OF LETTER NO.DPCI/C 7-5/02 DATED 6.8.03 SENT BY KSEB TO THE LOCAL MLA, SULTHAN'S BATHERY.

EXT.P2: TRUE COPY OF THE ESTIMATE PREPARED BY ASST. ENGINEER, KSEB, M MEENANGADI, DATED NIL.

EXT.P3: REPRESENTATION DATED 20.11.03 SUBMITTED BY THE PETITIONERS AND 34 OTHERS.

EXT.P4(A): TRUE COPY OF THE DEMAND NOTICE DATED 1.11.03 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER.

EXT.P4(B): TRUE COPY OF THE NOTICE DATED 9.1.03 ISSUED BY THE 1ST RESPONDENT TO THE 2ND PETITIONER.

EXT.P4(C): TRUE COPY OF THE DEMAND NOTICE DATED 9.1.03 ISSUED BY THE 1ST RESPONDENT TO THE 3RD PETITIONER.

EXT.P4(D): TRUE COPY OF THE DEMAND NOTICE DATED 26.7.03 ISSUED BY THE 1ST RESPONDENT TO THE 4TH PETITIONER.

EXT.P5: TRUE COPY OF THE ORDER NO.GO.157/91/TCI/1307/91/113 DATED 24.4.1991 ISSUED BY RURAL ELECTRIFICATION CORPORATION LTD. TO THE CHIEF ENGINEER, KSEB.

EXT.P6: TRUE COPY OF THE LETTER DATED 30.1.98 ISSUED BY RURAL ELECTRIFICATION CORPORATION LTD. TO THE CHIEF ENGINEER, KSEB.

EXT.P7: TRUE COPY OF THE BO NO.499/99 (PLANNING COMMERCIAL/3443/93) DATED 25.2.99 ISSUED BY RESPONDENT ELECTRICITY BOARD.

RESPONDENT'S EXHIBITS

EXT.R3(A): TRUE COPY OF THE JUDGMENT IN O.P.NO.37983/01. DATED 5.2.2002

TRUE COPY

PA TO JUDGE.

KURIAN JOSEPH, J.

W.P. (C). NO. 9341 OF 2004

Dated this the 17th day of August, 2007.

J U D G M E N T

Petitioners approached this Court with certain grievances regarding the delay in getting service connection, their eligibility to get the connection under the Rural Electrification Scheme and with a further grievance with regard to the notice regarding unconnected minimum guarantee.

2. It is the case of the Electricity Board that out of 37 beneficiaries, only 22 beneficiaries availed connection. According to the petitioners, they are not liable to pay the unconnected minimum guarantee since there was delay in effecting the service connection. There is also a grievance with regard to the revision of the minimum guarantee amounts.

3. Be that as it may. It is settled law that in case the line has otherwise become self remunerative, for the only reason that a person is a signatory to the minimum guarantee agreement, he is not liable to pay the minimum guarantee as per the agreement. These are the matters for the fourth respondent to consider while taking action on Exhibit P3.

There will be a direction to the fourth respondent to look into Exhibit P3 with notice to the petitioners and take appropriate action in accordance with law. This shall be done within a period of four months from the date of receipt of a copy of this judgment. Interim order passed by this Court will continue till such time.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp